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SUBJECT: SUDANESE LEGISLATIVE PROCESS ON ELECTIONS SHOWS HOPE

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¶1. (U) SUMMARY: Co-chairs of the National Constitutional Review Commission (NCRC) Abel Alier and Abdulla Idris confirmed that the National Assembly will hold a special session before April to review and ratify the electoral law. Alier and Idris explained that the draft law calls for free and unimpeded access for domestic and international election observers. Finally, they stressed that the Presidency must select "mature" and "nonpartisan" candidates to serve on the National Electoral Commission (NEC). END SUMMARY.

SPECIAL PARLIAMENTARY SESSION TO OCCUR

¶2. (U) On 22 January, poloffs met with NCRC co-chairs Abel Alier and Abdulla Idris. Both chairmen are well-respected and well-accomplished lawyers and politicians who have played significant roles in the legal and legislative history of Sudan. Alier, a member of the Dinka tribe and a Union of Sudan African Parties (USAP) member, is a former minister of Labor and Public Works and also served as Vice President of the Republic of Sudan from 1971 to 1980. Idris, an NCP member, studied business law at Yale and is a legal expert and law professor at the University of Khartoum.

¶3. (U) According to Alier and Idris, Parliament will hold an extraordinary session before April in order to review and ratify the national electoral law. Idris explained that 24 January will be the last day of political consultation between the NCRC and the parties on the draft bill. After this date, the bill will be re-submitted for last-minute tweaking to the NCRC subcommittee that created it. The bill will then move to the NCRC plenary for approval and passage. Upon leaving the NCRC, the bill will be presented to the Council of Ministers and finally, the National Assembly. Idris stated that the Council of Ministers will not interfere with the bill, but may make recommendations. He expects the bill to be ratified quickly in the National Assembly because of the considerable amount of party consultation that has gone into creating the draft law.

"FREE ACCESS" FOR OBSERVERS

¶4. (U) Both NCRC co-chairs confirmed that the draft law calls for "free access" for local and international election observers. Idris stated that the Carter Center has accepted the GNU's invitation to participate in electoral observation and hopes that the Center will provide civic education training to communities well in advance of the 2009 elections.

ENCOURAGING VOLUNTARY REPATRIATION

¶5. (U) Idris and Alier explained that efforts at voluntary repatriation in southern Sudan are being intensified so as to persuade southern IDPs in the North and refugees to return to southern Sudan and take part in the elections. The draft law states that if a citizen returns to participate in the electoral process, he/she must be in-country for at least three months before the elections to be able to vote. Alier said that the Sudanese Institute for Repatriation is prepared to deal with an increase in repatriation requests.

A MATURE, NONPARTISAN NEC

¶6. (SBU) Poloff questioned the co-chairs about the feasibility of carrying out elections in Darfur given the region's security concerns and strong anti-government sentiment. Idris stated that the National Electoral Commission (NEC), when created, will have to decide where and when elections will take place, including whether holding elections in Darfur will be possible. Both Alier and Idris hoped that current peacemaking efforts in the Darfur region would facilitate the inclusion of Dafurians in the electoral process. Alier and Idris stated that the Presidency is allowing parties to informally submit and consult with his office on NEC candidates. Alier stated that the draft law requires candidates to be age 35 or older. He cautioned that those selected must be nonpartisan, mature, and value their own personal integrity. It is the opinion of both co-chairs that several parties will be represented on the nine-person Commission.

THE FINAL STEP

¶7. (U) According to Idris, the one outstanding issue in the draft

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electoral law is the breakdown of percentages for the mixed electoral system. The SPLM and other opposition parties are lobbying for a 50/50 system, whereby 50 percent of the candidates for the national and state legislatures are elected via proportional representation (to include the 25 percent of women to be elected) and 50 percent are elected in a first-past-the-post system. The NCP is fighting for a 60/40 system, whereby 40 percent of the candidates for the national and state legislatures are elected via proportional representation (to include the 25 percent of women to be elected) and 60 percent are elected via first-past-the-post. Regardless of the percentage outcome, Alier pointed out that this will be the first time in the history of Sudan that voting by proportional representation will occur. Idris remarked that the ultimate goal would be for Sudan to move to a fully proportional representation voting system for legislatures in elections beyond 2009.

¶8. (SBU) COMMENT: Idris and Alier's insights on the draft bill inspire some hope in the legislative foundation for the 2009 elections. Although the drafting of the law has been significantly delayed, if party consensus on the law is achieved at an early stage, it will create a solid basis for party competition on the six levels of governance being contested. The draft bill's stipulation that international and domestic observers be granted free access to the electoral process builds on the CPA text itself - which states that international observers shall participate in the observation of elections. Furthermore, if parties may consult the Office of the Presidency on NEC candidates and party nominee considerations are heeded, the electoral process is likely to proceed more smoothly.

¶9. (SBU) COMMENT CONTINUED: Despite these positive signs, there is still concern among Sudanese politicians, especially the SPLM, that the tight timeline in which the NEC will have to plan and execute the elections will affect the quality and fairness of the process. The international community shares these concerns. Furthermore, a solid legislative basis for elections does not guarantee that party shenanigans to further delay electoral preparation will not occur, as it appears to be in the interests of both parties to delay (while seeking tactical advantage) for as long as possible.

FERNANDEZ